The Law Office of
Thomas S. Mirigliano, Esq.

A Professional Service Corporation

40 Wall Street, 28ᵗʰ Floor
New York, New York 10005
Phone: (718) 530-6548
Facsimile: (646) 219-5027

Email: TSM@MiriglianoLaw.com

Thomas S. Mirigliano, Esq.*
*Admitted in New York & New Jersey

Michael J.R. Mule, Esq.
Of Counsel

July 6, 2023

[handwritten: 7/11/23]

[handwritten: Sentencing will be adjourned to October 19, 2023 at some time thereafter]

[handwritten: So ordered. Paul Crotty USDJ]

VIA ECF

The Honorable Paul A. Crotty, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

    RE: **USA v. PAUL FISHBEIN**
            CASE NO. 1:21-CR-00296

Dear Judge Crotty:

Defendant Paul Fishbein is presently scheduled to be sentenced on July 31, 2023. For the reasons stated herein, Mr. Fishbein respectfully requests an adjournment of the July 31ˢᵗ sentencing date and related deadlines for a period of at least sixty (60) days. This is Mr. Fishbein's first request to adjourn sentencing.

On June 26, 2023, the Probation Department filed a draft Presentence Report ("PSR") in connection with this matter. Upon review of the draft PSR, I have identified several issues that will require detailed and supported responses by the defense. Thus, additional time is needed to gather supporting documentation and information to adequately prepare a response on Mr. Fishbein's behalf. There are also numerous factual and legal disputes relevant to sentencing, specifically surrounding the issues of forfeiture and restitution, that must be resolved prior to sentencing. Although the parties will attempt to reach some stipulated agreement with respect to these issues, it is possible that a hearing pursuant to *United States v. Fatico*, 603 F.2d 1053 (2d Cir. 1979) will be required. Therefore, additional time is needed for the parties to meet and confer, and, if necessary, for the Court to hold a *Fatico* hearing. Mr. Fishbein wishes to await the resolution of these issues prior to filing objections to the PSR, as the results will substantially affect the Guideline application.